

# EXHIBIT D

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November 27, 2013

*Via e-mail and regular mail*

Venable LLP  
Rockefeller Center  
1270 Avenue of the Americas, 24<sup>th</sup> Floor  
New York, New York 10020  
Att: Michael J. Volpe, Esq.

Re: *Ashley Cooper v. The Trustees of the College of Holy Cross, et al*

Dear Mr. Volpe:

For the reasons set forth in our letter to Judge Failla dated November 18, 2013 that complete diversity of citizenship does not exist, we believe that defendants improperly removed this action to the United States District Court.

Please advise if defendants will stipulate to remand back to the New York State Court. If not, we intend to file the appropriate motion and pursuant to 28 USC §1447(c), defendants may then be liable for costs and any actual expenses, including attorney fees, incurred as a result of the removal.

I wish to bring to your attention the recent decision by Judge Schemdlin in the action *Thales Alenia Space France v. Thermo Funding* dated November 12, 2013, 13 CV 712 wherein the Court held that for the purposes of diversity jurisdiction the citizenship of the trustees controlled.

Very truly yours,

  
Elizabeth Eilender

cc:

Benjamin Brafman, Esq.